

I.R.E. 512. Comment Upon or Inference From Claim of Privilege; Instruction.

Idaho Rules of Evidence Rule 512. Comment Upon or Inference From Claim of Privilege; Instruction.

(a) Comment or inference not permitted. The claim of any privilege, created by these rules, whether in the present proceeding or upon a prior occasion, is not a proper subject of comment by judge or counsel and no inference may be drawn therefrom.

(b) Claiming privilege without knowledge of jury. In jury cases, proceedings shall be conducted, to the extent practicable, so as to facilitate the making of claims of privilege without the knowledge of the jury.

(c) Jury instruction. Upon request, any party against whom the jury might draw an adverse inference from a claim of privilege is entitled to an instruction that no inference may be drawn therefrom.

(Adopted January 8, 1985, effective July 1, 1985; amended April 27, 2011, effective July 1, 2011.)

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